



David B. Cohen

CITY OF NEWTON, MASSACHUSETTS
Department of Planning and Development
Michael J. Kruse, Director

Telephone
(617)-796-1120
Telefax
(617) 796-1142
E-mail
mkruse@ci.newton.ma.us

Public Hearing Date: July 12, 2005
Land Use Action Date: *To Be Determined*
Board of Aldermen Action Date: September 19, 2005
90-Day Expiration Date: October 10, 2005

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development
Nancy Radzevich, Chief Planner
Alexandra Ananth, Planner

DATE: July 8, 2005

SUBJECT: Petition #219-05 SRB INDUSTRIES, LLC/LUCILLE G. & HOPE E. CLINE, TRUSTEES OF WINCHESTER STREET REALTY TRUST petition for a SPECIAL PERMIT and an EXTENSION OF NON-CONFORMING USE/STRUCTURE for a for-profit cooking school for children (pre-school to 14 years) and adults, including an incidental retail area, a façade sign, and a waiver from parking requirements, in a portion of a building located at 49-53 WINCHESTER STREET, Ward 5, on land known as Sec 51, Blk 28, Lot 30, containing approximately 79,500 sf of land in a district zoned MIXED USE 1.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information that will be presented at or after the public hearing that the Land Use Committee will consider in its discussion at a subsequent Working Session.

EXECUTIVE SUMMARY

The petitioners are seeking a special permit, through Section 30-5(b), to allow for a for-profit cooking school, within an existing building at 49-53 Winchester Street. Initially, the petitioners are proposing to offer classes to 3-14 year old children, and, in the future, would like to offer evening adult classes. The school would operate in 2,300 s.f. of space with two classrooms accommodating up to 12 students per class. The petitioners are also seeking a parking waiver under Section 30-19(m) to allow the reservation of 9 designated parking spaces for pick-up/drop-off for children's programs.

I. ELEMENTS OF THE PETITION

The petitioners are proposing to open a for-profit cooking school within an existing building at 49-53 Winchester Street. The school would operate in 2,300 s.f. of space within a 19,000 s.f. office building, with two classrooms accommodating up to 12 students per class. The petitioners are proposing to initially serve children (aged 3-14 years) and, if there is a demand, to offer evening adult classes in the future. An incidental retail area for the students would also be included in this space.

No changes to the exterior of the building or parking area are proposed except for an as-of-right principal wall sign on the building (total sign area 50 sq.ft.), which would be centered over the proposed new front entry (*ATTACHMENT "A"*). This is provided for informational purposes only, as no special permit is required for the signage.

The petitioners have prepared a Tenant List for the subject property (*ATTACHMENT "B"*), which includes the cooking school. Based on the Tentative Class Schedule (*ATTACHMENT "C"*), the petitioners are proposing to initially offer classes to children, with the classes broken down by age group. In the "Create-a-Cook" summary (*ATTACHMENT "D"*), the petitioners describe the types of classes that would be offered, which include: 10-week courses, one-time class sessions, weeklong summer/vacation "camp" classes and weekend birthday parties. In addition, the petitioners are proposing to have a cake-decorating station and a retail area for the students. The petitioners are expecting 9 students per class with an hour in between classes, up to 12 guests per birthday party, and a maximum of 6 employees on-site at any one time. Based on demand, the petitioners are also considering offering evening classes for adults in the future.

The site includes a large parking area that extends around and behind (south of) the office building. The petitioners are proposing no changes to the parking facility, but are seeking approval for nine (9) existing spaces to be dedicated for pick-up/drop-off of children during the daytime.

II. ZONING RELIEF BEING SOUGHT

Based on the Chief Zoning Code Official's written determination, dated June 3, 2005 (ATTACHMENT "E"), the petitioners are seeking relief from or approvals through the following sections of the Zoning Ordinance:

- *Section 5-(b)(2) allows the Board of Aldermen to grant a special permit for a for-profit school in a Mixed Use 1 Zoning District;*
- *Section 30-19(m) allows the Board of Aldermen to grant a special permit to allow for exceptions to the applicable parking requirements if such exception would be in the public interest, or in the interest of safety. A waiver from Section 30-19(c)(4) which prohibits parking stalls from being assigned to specific persons or tenants, is being requested to allow for nine (9) spaces to be reserved for pick-up and drop-off of children;*
- *Section 30-23 for Site Plan Approval; and*
- *Section 30-24 for Special Permit Approval.*

III. SIGNIFICANT ISSUES FOR CONSIDERATION

In reviewing this petition, the Board of Aldermen should consider the following:

- *Whether the proposed for-profit cooking school use is appropriate at this site;*
- *Whether the proposed use and reserved parking stalls will have any adverse impacts on other tenants within this building or on the surrounding neighborhood; and*
- *Whether the proposed reserved parking stall configuration will result in any vehicular or pedestrian conflicts.*

IV. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Site

The 79,500 s.f. site is located at 49-53 Winchester Street, in a Mixed Use 1 Zoning District between Route 9 and the Needham Street Corridor. The site is improved with a 2-story, 19,000 s.f. office building. Currently, there are four office tenants and one warehouse tenant in the building. The proposed cooking school would be located in a 2,300 s.f. space at the southwest corner of the building, which was most recently occupied by a travel agency.

In addition to the principal building, there are two metal sheds located at the rear of the site that are used by a single tenant for storage. There is also a small wooden building in front of the main building that the petitioners have stated is vacant unfinished space, and was most recently used as the “Alarm Shack,” a sales and service for business and residential alarm systems.

The main office building is setback approximately 85 ft. from Winchester Street and is surrounded by an existing parking lot. Access to the site is from two curbcuts at either end of the property along Winchester Street. There is also a curbcut at the rear of the site from Curtis Street, a dead end street. *There is a freestanding sign in one of the parking stalls along Winchester Street, which does not appear to have a permit.*



View of Existing Building from Winchester Street

B. Neighborhood

The subject property is located at the intersection of Winchester and Curtis Streets, north of Needham Street. The site is abutted by the South Burying Ground and the NY-NH Hartford Railroad tracks. Curtis Street is a dead end street with a two-family dwelling and the Victorian Montessori School. Across Winchester Street is an area zoned Mixed Use 2, which can be characterized as having a mix of office, retail, and industrial uses.

V. ANALYSIS

A. Technical Considerations – Section 30-15 Dimensional Controls

No expansions or additions to any of the existing buildings are proposed.

B. Technical Considerations – Section 30-19 Parking Requirements

The site includes a parking lot with 93 spaces. According to the Zoning Review Memorandum the overall premises (including the cooking school) requires 92 parking stalls, thus the number of required parking stalls is met by the existing parking facility. Site visits by the Planning Department confirm that there appears to be enough parking to satisfy potential peak demand.

The Planning Department notes the parking lot does not appear to conform to the parking requirements, Section 30-19, in terms of parking stall setbacks, minimum width of maneuvering aisles, entrance and exit driveway widths, lighting, or landscaping requirements. The existing parking facility, however, was built in the late 1950s and predates the parking requirements of the Zoning Ordinance. As such, since the parking facility is not being altered, the owner plans to maintain the parking facility as is.

According to the site plan dated April 25, 2005, the petitioners are proposing to reserve a total of nine (9) parking stalls at two locations for the purposes of pick-up/drop-off of children attending the cooking school. Two of these stalls are located at the front of the building next to the proposed entry and seven stalls are located around the corner of the building in the side/rear lot. *As currently proposed, children being picked-up or dropped-off in these stalls would have to cross a 2-way maneuvering aisle, a portion of which does not meet the zoning requirements in terms of minimum width. Because of the number of children and the nonconforming nature of the parking lot, the Planning Department recommends the petitioners locate all of the reserved pick-up/drop-off stalls in front of the building.*

The 25% design plans for the Needham Street/Highland Avenue Reconstruction Project were recently approved by the Board of Aldermen (**ATTACHMENT “F”- PARTIAL PLAN**). At the time of reconstruction, curb cuts may be adjusted and street trees may be added along Winchester and Curtis Streets. *Although the petitioners are not proposing to alter the existing parking lot, the Planning Department recommends that if the special permit is approved, the Board consider a condition requiring the petitioners to add interior landscaping to their parking lot immediately following the reconstruction of Winchester Street, to reflect the streetscape improvements.*

C. Relevant Site Plan Approval Criteria, Sec. 30-23

1. Convenience and safety of vehicular and pedestrian movement within the site.

While the Planning Department supports the idea of having reserved spaces for the pick-up and drop-off of the children, we are concerned with the location of seven of the proposed reserved spaces. As noted above, it is recommended that these spaces be relocated to the front of the building to reduce the potential conflicts between the general parking lot traffic flows and the small children entering and exiting the building. ***Prior to the Public Hearing the petitioners should submit information as to how they intend to reserve the proposed parking stalls.***

2. Adequacy of the methods for disposal of sewage, refuse and other wastes and of the methods of regulating surface water drainage

The Associate City Engineer has reviewed this petition (***SEE ATTACHMENT "G"***). The petitioners are proposing no changes to the footprint of the building or parking facility, as such no on-site drainage is required. Since they are only upgrading a small portion of the interior space, the petitioners will not be required to upgrade the utilities. They will, however, be required to install an external grease trap. Final engineering plans for the installation of the grease trap will need to be submitted to the City Engineer for review and approval prior to the issuance of any building permits; and the gas trap will need to be installed prior to the issuance of any occupancy permits.

3. Provision for off-street loading and unloading of vehicles

See Comments in Sections V. B. and V. C. 1., above.

D. Relevant Special Permit Criteria, Sec. 30-24

1. The specific site is an appropriate location for such use.

The site is located in a Mixed Use 1 Zoning District between Route 9 and the Needham Street Corridor. If issues of safe pick-up and drop-off for the children can be resolved, the site appears appropriate for the proposed use.

2. The use as developed and operated will not adversely affect the neighborhood.

The principal impact of the proposed use would be on other tenants in the building, however, the site appears to have sufficient parking to satisfy peak potential parking demand for the existing and proposed uses.

3. There will be no nuisance or serious hazard to vehicles or pedestrians.

See Comments in Sections V. B. and V. C. 1., above.

E. Other Departmental Reviews

According to Assistant Fire Chief Proia, as long as there are no change to the building footprint and/or parking facility, he will have no comments on the site plan. He noted that the Fire Department would need to review the fire alarm, as part of the building permit review process, for any cooking suppression system that will be added to the building.

VI. SUMMARY

The petitioners are proposing to locate a for-profit cooking school in an existing building zoned Mixed Use 1. Initially, the petitioners plan to offer classes to children ages 3-14 and, in the future, to include some evening classes for adults. The school would operate in 2,300 s.f. of space within a 19,000 s.f. office building, with two classrooms accommodating up to 12 students per class. No expansions or additions to the building or parking area are proposed.

It appears that the Parking Requirements of the Zoning Ordinance will be met with respect to the required number of stalls. The petitioners are proposing to dedicate 9 spaces for pick-up/drop-off of children during the daytime, which requires a special permit. Because of the number of children and the non-conforming nature of the parking lot, the Planning Department recommends the petitioners locate all of the reserved pick-up/drop-off stalls in front of the existing office building.

Prior to the Working Session, the petitioners should:

- 1. Consider relocating the reserved parking stalls so that all nine (9) spaces are located in front of the building; and***
- 2. Provide some information as to how these nine (9) spaces will be reserved.***

ATTACHMENTS

ATTACHMENT A: Proposed Exterior Sign

ATTACHMENT B: Tenant List

ATTACHMENT C: Tentative Class Schedule Create A Cook

ATTACHMENT D: Create a Cook Component Summary

ATTACHMENT E: Zoning Review Memorandum

ATTACHMENT F: Portion of 25% Design Plans for Winchester Street

ATTACHMENT G: Engineering Division Memorandum dated July 7, 2005